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Attorneys for Defendant
General Motors LLC

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION**

RUDOLFO FIDEL MENDOZA,
individually and on behalf of a class of
similarly situated individuals,

Plaintiff,

vs.

GENERAL MOTORS LLC,

Defendant.

Case No. CV 10-2683 AHM (VBKx)

**DECLARATION OF GREGORY R.
OXFORD IN SUPPORT OF
MOTION TO DISMISS FOR LACK
OF SUBJECT MATTER
JURISDICTION [F.R.Civ.P.
12(b)(1)] OR, ALTERNATIVELY
TO TRANSFER TO THE
SOUTHERN DISTRICT OF NEW
YORK FOR REFERRAL TO THE
BANKRUPTCY COURT [28 U.S.C.
§ 1412]**

Hearing Date: September 27, 2010
Time: 10:00 a.m.
Courtroom 14
Honorable A. Howard Matz

I, Gregory R. Oxford, declare and state:

1. I am a member in good standing of the bar of this Court and am counsel for defendant General Motors LLC in this case. I have personal knowledge of the matters set forth herein and could and would competently testify thereto.

2. Attached as Exhibit A to the accompanying Request for Judicial Notice is a true and correct copy of the "Order (I) Authorizing sale of Assets Pursuant to Amended and Restated Master Sale and Purchase Agreement with

1 NGMCO, Inc., a U.S. Treasury-Sponsored Purchaser; (II) Authorizing Assumption
2 and Assignment of Certain Executory Contracts and Unexpired Leases in
3 Connection with the Sale; and (III) Granting Related Relief,” entered July 5, 2009
4 on the docket of In re Motors Liquidation Company, No. 09-50026, United States
5 Bankruptcy Court for the Southern District of New York, Docket No. 2968,
6 including only the first 33 pages of Exhibit A thereto, which is the “Amended and
7 Restated Master Sale and Purchase Agreement by and Among General Motors
8 Corporation, Saturn LLC, Saturn Distribution Corporation and Chevrolet-Saturn of
9 Harlem, Inc., as Sellers, and NGMCO, Inc., as Purchaser, Dated as of June 26,
10 2009.”

11 3. Attached as Exhibit B to the accompanying Request for Judicial
12 Notice is a true and correct copy of the letter dated April 23, 2010 to Robert L.
13 Starr, plaintiff’s counsel, from Lawrence S. Buonomo, General Motors Company
14 Legal Staff.

15 4. Attached as Exhibit C to the accompanying Request for Judicial
16 Notice is a true and correct copy of the letter dated May 27, 2010 from Robert L.
17 Starr, plaintiff’s counsel, to Lawrence S. Buonomo, General Motors Company
18 Legal Staff.

19 5. Attached as Exhibit D to the accompanying Request for Judicial
20 Notice is a true and correct copy of pertinent provisions of the 2005 Chevrolet
21 Equinox limited express new vehicle warranty issued by General Motors
22 Corporation; very similar if not identical language is contained in the warranty
23 booklets for the 2006-09 Chevrolet Equinox and 2006-09 Pontiac Torrent vehicles.

24 6. Attached hereto as Exhibit 1 hereto is a true and correct copy of the
25 Declaration of Michael G. Tomasek in Support of Motion To Dismiss for Lack of
26 Subject Matter Jurisdiction [F.R.Civ.P. 12(B)(1)] or, Alternatively, To Transfer to
27 the Southern District of New York for Referral to The Bankruptcy Court [28 U.S.C.
28 § 1412] which Mr. Tomasek executed in support of the motion to dismiss plaintiff’s

original complaint which GM prepared for filing and hearing on July 19, 2010, prior to plaintiff's request that GM stipulate to the filing of his First Amended Complaint.

7. Attached hereto as Exhibit 2 is a true and correct copy of GM Service Bulletin 08-08-57-001B (January 13, 2009), prior versions of which were operative in 2008.

8. Attached hereto as Exhibit 3 is a true and correct copy of GM Service Bulletin PIT3803 (December 13, 2005).

9. Attached hereto as Exhibit 4 is a true and correct copy of GM Service Bulletin PIT4246 (January 15, 2007).

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that this declaration is executed this 13th day of August, 2010.

[s]

Gregory R. Oxford

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EXHIBIT 1

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Attorneys for Defendant
General Motors LLC

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

RUDOLFO FIDEL MENDOZA,
individually and on behalf of a class of
similarly situated individuals,

Plaintiff,

vs.

GENERAL MOTORS LLC,

Defendant.

Case No. CV 10-2683 AHM (VBKx)

**DECLARATION OF MICHAEL G.
TOMASEK IN SUPPORT OF
MOTION TO DISMISS FOR LACK
OF SUBJECT MATTER
JURISDICTION [F.R.Civ.P.
12(b)(1)] OR, ALTERNATIVELY
TO TRANSFER TO THE
SOUTHERN DISTRICT OF NEW
YORK FOR REFERRAL TO THE
BANKRUPTCY COURT [28 U.S.C.
§ 1412]**

Hearing Date: July 19, 2010
Time: 10:00 a.m.
Courtroom 14
Honorable A. Howard Matz

I, Michael G. Tomasek, declare and state:

1. I am currently employed by General Motors LLC ("New GM") as
Manager, Sales Reporting & Data Management. Prior to June 1, 2009, I was
employed in a similar capacity by General Motors Corporation ("Old GM"). In
this capacity I have access to business records concerning the sale of new vehicles
by Old GM and New GM to authorized GM dealers. Based on my experience and

1 review of those records, I have personal knowledge of the matters set forth herein
2 and could and would competently testify thereto.

3 2. I am informed that plaintiff Rodolfo Fidel Mendoza purchased a
4 previously owned model year 2006 Chevrolet Equinox in 2008. This vehicle, along
5 with all 2005-09 model year Chevrolet Equinoxes and all 2006-09 model year
6 Pontiac Torrents (collectively, the "Subject Vehicles") were manufactured by or for
7 Old GM. Old GM sold the new Subject Vehicles to authorized Chevrolet and
8 Pontiac dealers, including dealers in California, in accordance with standard
9 invoicing and shipping procedures prior to July 10, 2009, when Old GM sold most
10 of its assets to New GM. New GM did not manufacture any of these vehicles.

11 I declare under penalty of perjury under the laws of the United States of
12 America that the foregoing is true and correct and that this declaration is executed
13 this 18th day of June, 2010.

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16 Michael G. Tomasek
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EXHIBIT 2

2005 Chevrolet Equinox | Equinox (VIN L) Service Manual | **Document ID: 2223214**

#08-08-57-001B: General Waterleak Diagnostic Guide - (Jan 13, 2009)

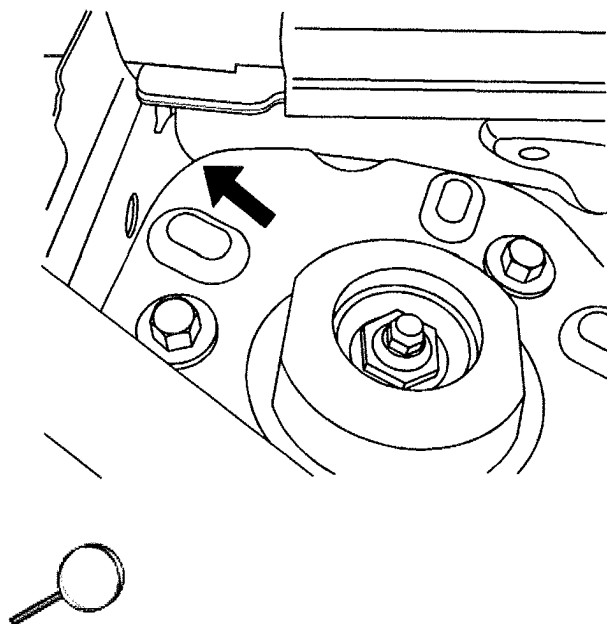
Subject: General Waterleak Diagnostic Guide

Models: 2005-2009 Chevrolet Equinox LS, LT
2006-2009 Pontiac Torrent LS, LT



This bulletin is being revised to add a mildew odor condition repair. Please discard Corporate Bulletin Number 08-08-57-001A (Section 08 - Body and Accessories).

Condition 1



Water may be entering from the top of the strut tower into the driver side and or passenger side floor. Pull the carpeting back and check for water entering the vehicle.

Cause

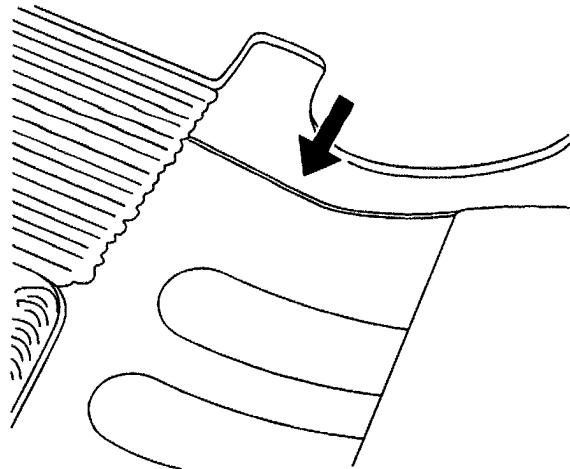
Insufficient body sealer may be the cause.

Correction

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Reseal the strut tower. Use 3M™ Ultrapro Autobody Sealant Clear or equivalent.

Condition 2



Water may be entering through the seams in the floor pan on the driver side and/or passenger side.

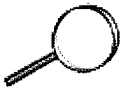
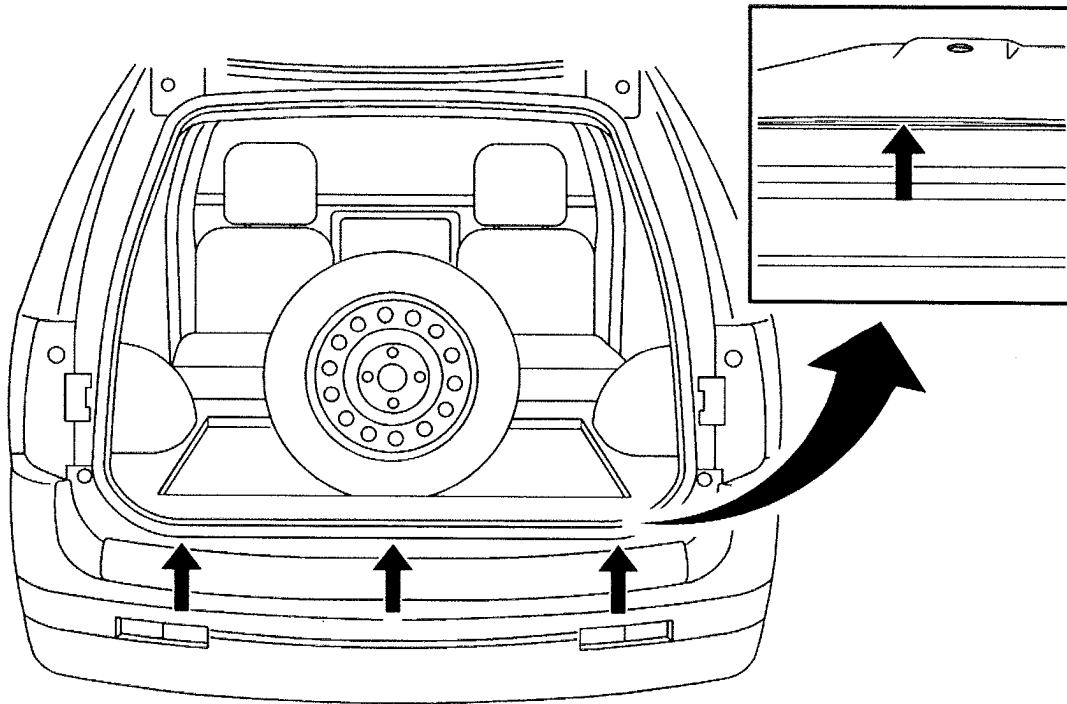
Cause

Insufficient body sealer may be the cause.

Correction

Remove the carpet and reseal the sheet metal seam.

Condition 3



Water may be entering through the liftgate weatherstrip (between a gap in the sheet metal at the bottom).

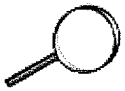
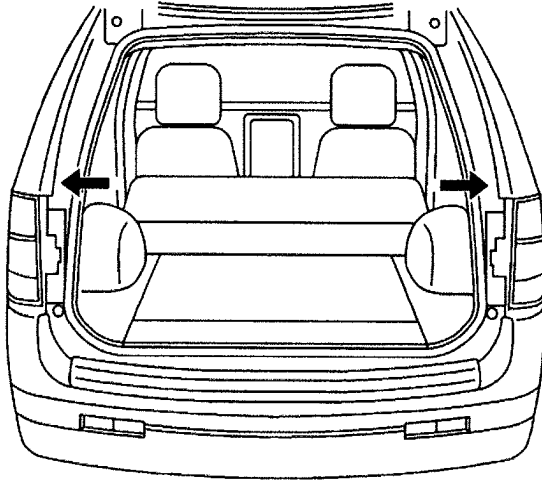
Cause

Insufficient body sealer may be the cause.

Correction

Remove the weatherstrip and reseal the sheet metal.

Condition 4



Water may be entering between the liftgate and the weatherstrip.

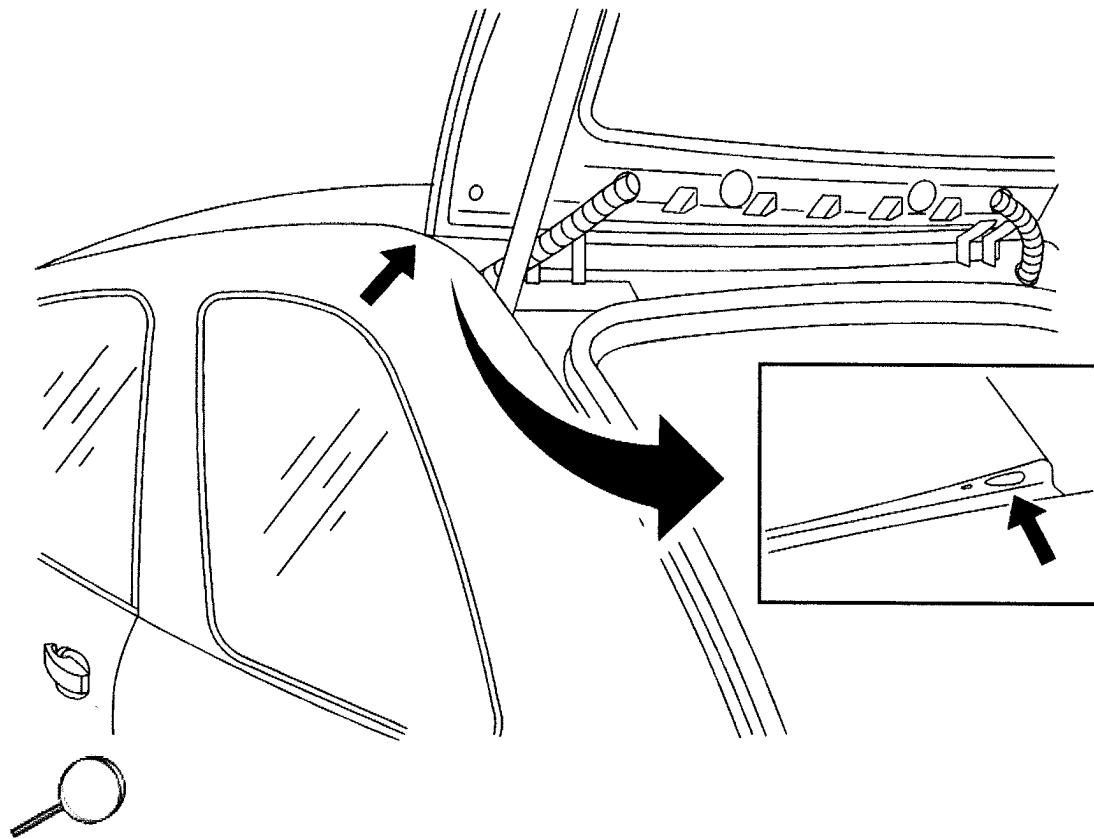
Cause

The liftgate may not be tight enough to the weatherstrip.

Correction

Adjust the liftgate. Refer to Liftgate Adjustment in SI.

Condition 5



Water may be entering through a gap in the sealer at the rear D-pillar (roof to body).

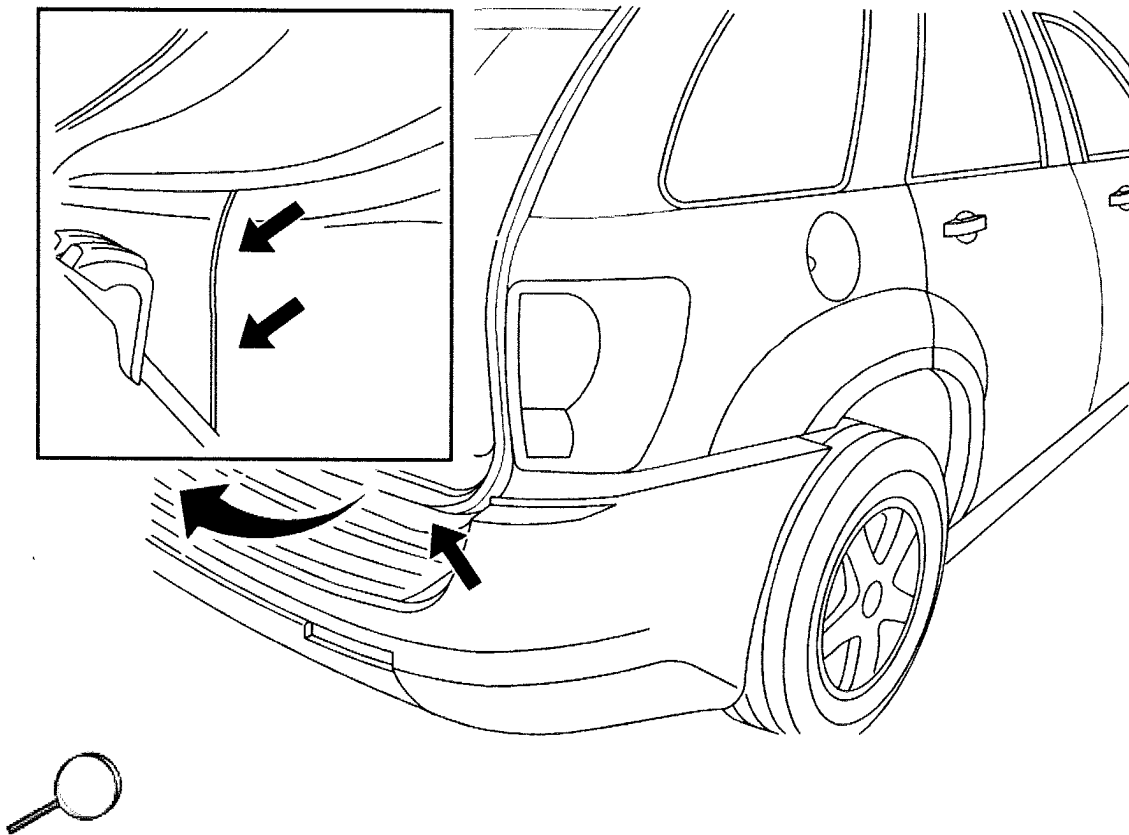
Cause

Insufficient body sealer may be the cause.

Correction

Remove the roof rack and inspect for any voids in the sealant. Refer to Luggage Carrier Replacement Equinox or Torrent in SI. Use 3M™ Ultrapro Autobody Sealant Clear or equivalent.

Condition 6



Water in spare tire compartment. Water may be entering through a gap in the sealer behind the rear fascia (left or right side).

Cause

Insufficient body sealer may be the cause.

Correction

Remove the rear fascia and reseal the sheet metal seam. Refer to Rear Bumper Fascia Replacement in SI.

Condition 7

the tail lamps.

Cause

Insufficient body sealer may be the cause.

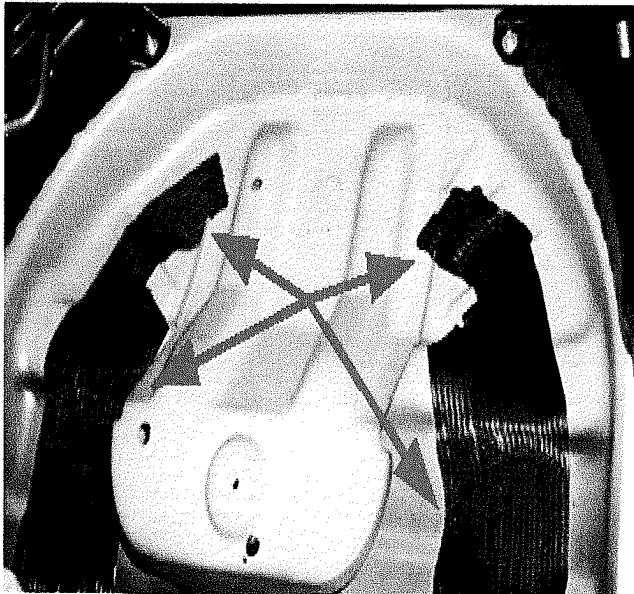
Correction

Remove the tail lamps. Refer to Tail Lamp Replacement in SI and reseal the sheet metal seam.

Condition 8

Mildew odor present in the vehicle after repairing a water leak where the floor and/or carpet was wet.

Cause



The odor may be caused by the LASD (Liquid Applied Sound Deadening), which is applied to various areas of the floor panels, getting wet. This LASD is black in color and is baked on during assembly. The graphic above shows the LASD in the spare tire well area.

Correction

Important: After repairing any of the previous seven conditions and after following the instructions in the SI document titled "Eliminating Unwanted Odors in Vehicles" and the odor concern is not fixed, follow the instructions below.

It will be necessary to remove the LASD from the floor. It is only necessary to remove the LASD that got wet. After the LASD has been removed and the floor pan cleaned, it will be necessary to

install sound deadening pads, GM P/N 12378195, or an equivalent sound deadener to replace what was removed.

Parts Information

Purchase the Body Seam Sealer locally.

Part Number	Description
08302	3M™ Ultrapro Autobody Sealant Clear
12378195	Pad, Sound Deadening

GM bulletins are intended for use by professional technicians, NOT a "do-it-yourselfer". They are written to inform these technicians of conditions that may occur on some vehicles, or to provide information that could assist in the proper service of a vehicle. Properly trained technicians have the equipment, tools, safety instructions, and know-how to do a job properly and safely. If a condition is described, DO NOT assume that the bulletin applies to your vehicle, or that your vehicle will have that condition. See your GM dealer for information on whether your vehicle may benefit from the information.



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EXHIBIT 3

#PIT3803: Water Leak from the Right Side of the Instrument Panel During Heavy Rain or When Going Through a Car Wash - keywords carpet case drain floor HVAC leak plenum wet - (Dec 15, 2005)

Subject: Water Leak From The Right Side Of The Instrument Panel
During Heavy Rain Or When Going Through A Car Wash

Models: 2006 Chevrolet Equinox
Between VIN break points 66027135 to 66035604
2006 Pontiac Torrent
Between VIN break points 66030403 to 66040620



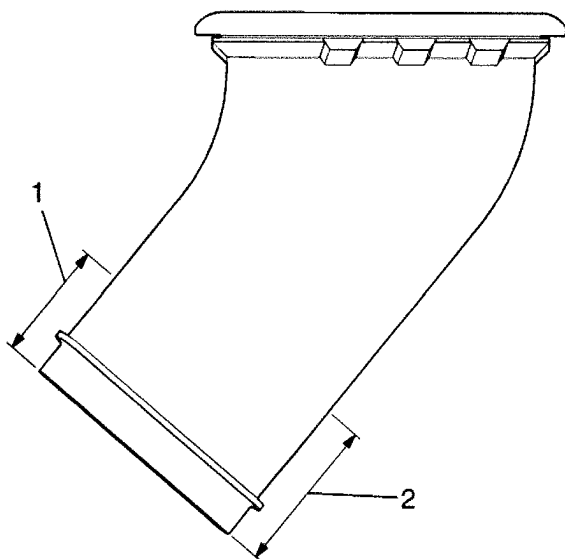
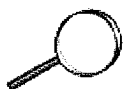
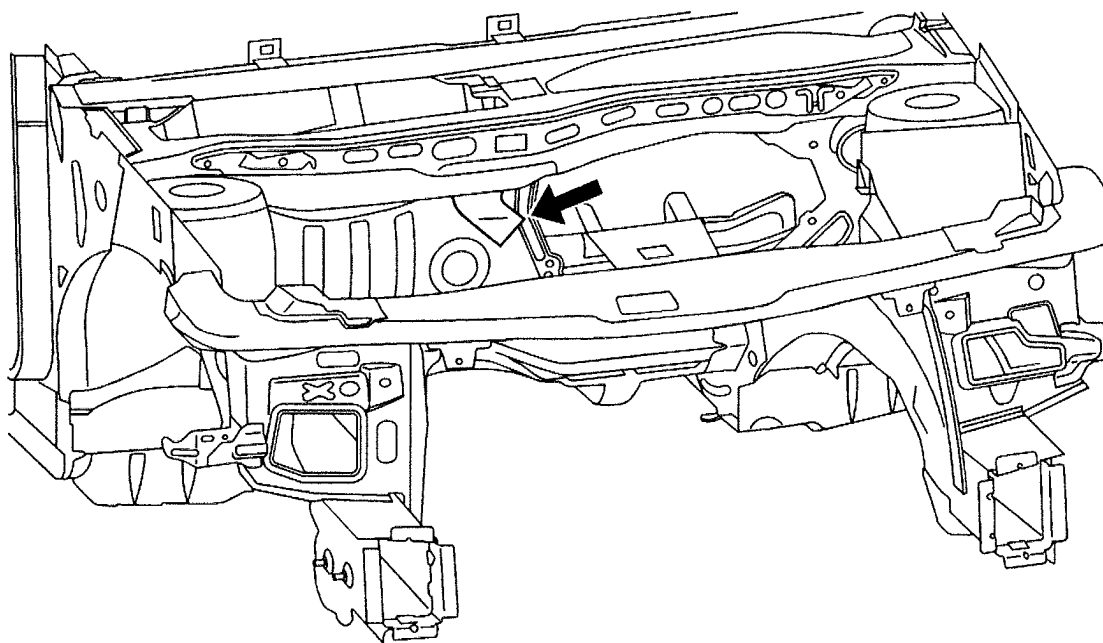
The following diagnosis might be helpful if the vehicle exhibits the symptom(s) described in this PI.

Condition/Concern:

Some customers may comment of a water leak from the right side of the instrument panel when going through a car wash or during a heavy rain. The plenum drain plug was manufactured from an incorrect material that does not expand enough to allow water in the cowl to drain quickly enough.

Recommendation/Instructions:

Technicians are to cut two slits in the sides of the plenum drain plug. Refer to the attached illustration for the location of the plenum drain plug and for the dimensions of the cuts.



Please follow this diagnostic or repair process thoroughly and complete each step. If the condition exhibited is resolved without completing every step, the remaining steps do not need to be performed.

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to do a job properly and safely. If a condition is described, DO NOT assume that the bulletin applies to your vehicle, or that your vehicle will have that condition. See your GM dealer for information on whether your vehicle may benefit from the information.



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EXHIBIT 4

2007 Chevrolet Equinox | Equinox, Torrent (VIN L) Service Manual | **Document ID: 1887587**

#PIT4246: The Carpet Is Wet In The Front Passenger Area - keywords cowl dash floor instrument IP leak panel right sealant sealer strut tower water waterleak - (Jan 15, 2007)

Subject: The Carpet Is Wet In The Front Passenger Area

Models: 2007 Chevrolet Equinox
2007 Pontiac Torrent

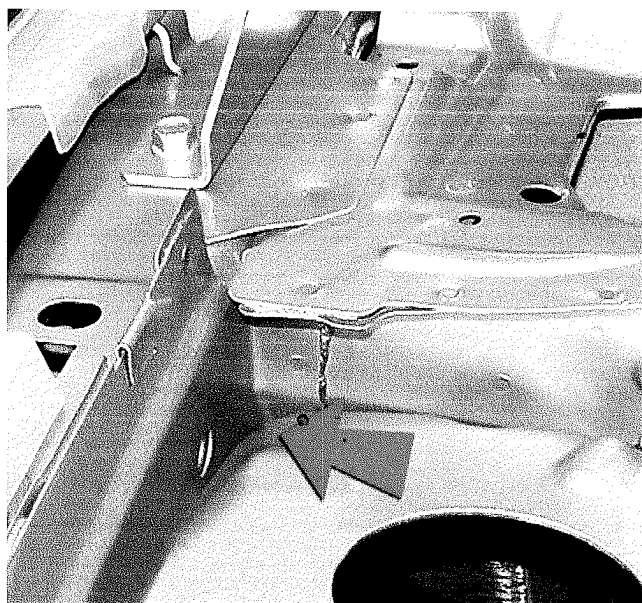


The following diagnosis might be helpful if the vehicle exhibits the symptom(s) described in this PI.

Condition/Concern:

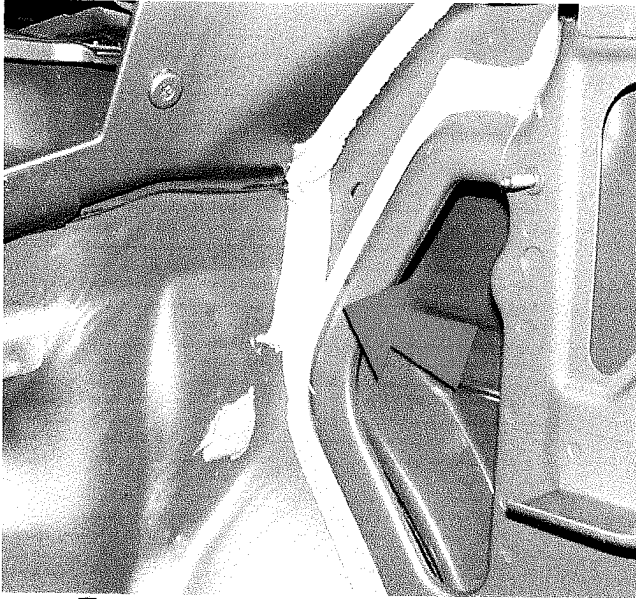
Some owners of an Equinox or Torrent may comment about wet carpet in the front passenger area. This will usually happen during a significant rain storm. This concern can be caused by the body sealant between the side body and cowl may be misplaced, allowing water to pass from the top of the right front strut tower into the cabin.

To check for this leak, apply water at the corner of the strut tower (see picture below).



With the passenger side carpet pulled back, look for water to entering from behind the instrument panel on the right side (See picture below).

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Recommendation/Instructions:

To repair this concern, apply body sealant at the strut tower to dash panel area.

Please follow this diagnostic or repair process thoroughly and complete each step. If the condition exhibited is resolved without completing every step, the remaining steps do not need to be performed.

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